

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

APL CO. PTE LTD,

No. C 10-04404 LB

Plaintiff(s),

v.

**ORDER STRIKING MOTION TO  
DISMISS [ECF No. 6] FOR FAILURE  
TO COMPLY WITH LOCAL RULES**

MAHESH K. SHAH,

Defendant(s).

On October 29, 2010, Defendant Mahesh Shah (also known as Mayur Shah), appearing *pro se*, filed a motion to dismiss Plaintiffs APL Co. Pte., Ltd., and American President Lines, LTD.'s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 6. The Northern District of California's Civil Local Rule 7 sets forth the process and requirements for filing a motion. In particular, Civil Local Rules 7-2(a) requires that "all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion." Civil L.R. 7-2(a). Concurrently, paragraph (b) lists the information that a motion must contain, and paragraph (c) requires the party filing the motion to submit a proposed order along with the motion. *See* Civil L.R. 7-2(b), (c).

Here, Defendant did not properly notice the motion in compliance with Local Rule 7-2(a), did not include all of the information listed in Local Rule 7-2(b), and did not submit a proposed order in accordance with Local Rule 7-2(c). Before the Court can consider any motion, a defendant needs to comply with the rules.

1 Accordingly, the Court **STRIKES** Defendant's motion for failure to comply with these  
2 requirements. The Court extends the responsive pleading deadline until November 12, 2010, to  
3 allow Defendant sufficient time to correct his motion.

4 To assist Defendant in filing his motion properly and correctly, the Court advises Defendant to  
5 consult both the Civil Local Rules and information for *pro se* litigants available on the Court's  
6 website at: [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

7 **IT IS SO ORDERED.**

8 Dated: October 29, 2010

9   
LAUREL BEELER  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
For the Northern District of California